

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Proposed District Plan

**SECTION 42A REPORT OF CHRISTINE MELISSA EDGLEY
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**VARIATION TO OPEN SPACE AND RECREATION: CHAPTERS 29, 36 AND 38 AND
PLANNING MAPS 35 AND 36**

18 March 2020



S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

CONTENTS

| | PAGE |
|--|------|
| 1. PROFESSIONAL DETAILS | 1 |
| 2. INTRODUCTION..... | 1 |
| 3. ACTIVITY STATUS OF COMMERCIAL ACTIVITIES | 3 |
| 4. MATTERS OF CONTROL AND DISCRETION..... | 7 |
| 5. NEW PROVISIONS SOUGHT IN SUBMISSIONS..... | 7 |
| 6. NOISE LIMITS IN THE OPEN SPACE ZONES | 9 |
| 7. ACTIVE TRANSPORT..... | 11 |
| 8. REZONING REQUEST..... | 12 |
| 9. RETENTION OF THE QUEENSTOWN BAY WATERFRONT SUB ZONE | 17 |
| 10. MINOR ERRORS..... | 17 |
| 11. CONCLUSION | 18 |

Appendix 1: Recommended variation provisions

Appendix 2: Summary of submissions and recommended decisions

1. PROFESSIONAL DETAILS

- 1.1 My full name is Christine Melissa Edgley. I am a private consultant employed by Brown & Company Planning Group and contracted by Queenstown Lakes District Council (**the Council** or **QLDC**) to prepare planning evidence on the variation to provisions in Chapters 29, 36 and 38 of the Queenstown Lakes Proposed District Plan (**PDP**) relating to open space and recreation.
- 1.2 I hold the qualifications of Bachelor of Laws and Bachelor of Arts (majoring in Geography) from Victoria University of Wellington. I am an Associate member of the New Zealand Planning Institute.
- 1.3 I have over six years planning experience and have worked as a planner in the Queenstown Lakes District for the past two years, including as a Senior Policy Planner for the Council. Within that role I was the reporting officer for the Council in relation to the Open Space and Recreation Chapter (Chapter 38) as part of Stage 2 of the PDP.
- 1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. INTRODUCTION

- 2.1 In this section 42A report, I provide recommendations to the Hearings Panel (**Panel**) on the submissions and further submissions received on the variation related to the Open Space and Recreation zones notified as part of Stage 3 of the PDP, including variations on the following chapters:

- (a) Chapter 38 Open Space and Recreation;
- (b) Chapter 29 Transport; and
- (c) Chapter 36 Noise.

(the '**variation**').

2.2 A total of thirty-one (31) submission points from six submitters, and three (3) further submission points, were received on the notified variation¹. I have grouped my analysis of these submissions as follows:

- (a) Activity status of commercial activities;
- (b) Matters of control and discretion;
- (c) New provisions sought in submissions;
- (d) Noise limits in the Open Space zones;
- (e) Active transport;
- (f) Rezoning requests;
- (g) Retention of the Queenstown Bay Waterfront Sub Zone; and
- (h) Minor errors.

2.3 The specific submissions addressed in each topic grouping are identified in the relevant sections of the report.

2.4 For each topic, I summarise the key issue(s) and relief sought in the submissions, consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.

2.5 The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) Chapter 38 Open Space and Recreation Zones Section 32 evaluation (**S32**);
- (b) PDP Stage 1 and 2 Decision Version 2019 (**PDP**);
- (c) Mr Barr's Stage 3 Strategic Evidence (**Strategic Evidence**);

¹ The variation provisions were first notified in Stage 3 on 19 September 2019 but as the text of that public notice did not note these changes in full, they were re-notified as part of Stage 3b on 31 October 2019. Submissions were received in both parts of the notification stages.

- (d) Partially Operative Regional Policy Statement 2019 for Otago (**PORPS 19**);
- (e) The Partially Operative Regional Policy Statement 1998 for Otago (**PORPS 98**);
- (f) The Queenstown Town Centre Spatial Framework and Masterplan (**QTCM**)²;
- (g) The Queenstown Bay Foreshore Reserves Management Plan 2016 (**RMP**)³; and
- (h) QLDC Tables and Chairs in Public Spaces Policy 2006 (**Table and Chairs Policy**)⁴.

2.6 Changes I recommend to the notified variation in response to submissions and further submissions are included in **Appendix 1**, which contains ‘tracked’ recommended provisions. My recommendations for accepting or declining submissions are included in **Appendix 2** alongside a summary of the relief sought in the submissions. My recommendations for accepting or declining the further submissions, will stand or fall with the primary submission.

2.7 Throughout my evidence I refer to the following versions of the PDP text, as follows:

- (a) **Provision 38.X.X**: to refer to the notified version of a provision (e.g. Rule 38.4.1);
- (b) **S42A Provision 38.X.X**: to refer to the recommended version of a provision as included in Appendix 1 (e.g. S42A Rule 38.4.1); and
- (c) **PDP Provision 38.X.X**: to refer to the Stage 1 and 2 Decision Version 2019 of the Proposed District Plan (e.g. PDP Objective 38.2.1).

3. ACTIVITY STATUS OF COMMERCIAL ACTIVITIES

3.1 In alternative relief sought in the event their rezoning request (discussed below in Section 8) is not granted, Queenstown Wharves

² [Queenstown Town Centre Master Plan Part 2 Vision and Key Moves](#)

³ [Queenstown Bay Foreshore Reserves Management Plan](#)

⁴ [QLDC Table and Chairs in Public Spaces Policy 2006](#)

(GP) Limited (**QWL**) (**3319**) seek that amendments to Rules 38.9.16, 38.9.17, 38.9.20, 38.9.21 and 38.9.36⁵ only in the event the draft consent order for Topic 2, Subtopic 8 be approved by the Environment Court. In the event it is not approved, QWL seeks that the amendments to these rules be deleted and the activity status for these activities to be amended from restricted discretionary (Rules 38.9.17 and 38.9.20) and discretionary (Rules 38.9.21 and 38.9.36) to a controlled activity⁶.

3.2 The draft consent order is currently with the Court and it is not known when a consent order will be issued, or if it will be approved in the form that it was drafted. As the purpose of the variation is to better align the Open Space provisions with the Town Centre provisions where they adjoin the Queenstown Bay Waterfront Sub Zone (**QTWSZ**), it would not in my view be effective to have a separate set of provisions in the Open Space chapter that did not reflect the outcomes sought by the QTWSZ in Chapter 12, in whatever form they end up. It is more efficient to have the Open Space chapter reference the QTWSZ provisions for those particular activities, recognising that the Court has determined those to be the most appropriate. I recommend that this submission be rejected.

3.3 Christine Byrch (**3262**) seeks that the commercial activities in Table 38.1⁷ be made less lenient, with particular regard to the Nature Conservation Zone, Informal Recreation Zone, Active Sports and Recreation Zone, and Civic Spaces Zone, wanting these areas to be maintained for public enjoyment. However, the variation only affects the activity status of one commercial activity (the new outdoor dining rule) which relates only to the Informal Recreation Zone and Civic Spaces Zone.

3.4 As far as the submission point is on Stage 3, the activity status of commercial outdoor dining as restricted discretionary allows the Council to decline an application where the activity will have adverse effects on the amenity of the reserve, while recognising that the area

5 The variation to these rules applies the rules in Chapter 12 to buildings on jetties, and jetties themselves, where the jetty extends into the QTWSZ, rather than the rules in Chapter 38.

6 Rule 38.9.16 already being a controlled activity in the Informal Recreation Zone.

7 The submission actually references Table 39.1, which has been interpreted to be a typographical error (instead intending to refer to Table 38.1) given that the submission specifically references the Open Space zones.

which the rule relates to has high public use. I support the restricted discretionary status as it better meets the objectives and policies relating to the amenity values of reserves⁸. I recommend that this submission be rejected.

- 3.5** Kopuwai Investments Limited (**KIL**) (**31006**) seeks that Rules 38.9.20 (commercial outdoor dining) and 38.10.13 (standard for commercial outdoor dining) be deleted. KIL considers these rules to provide a future barrier for outdoor dining areas on reserve land, and to create additional consenting requirements.
- 3.6** With regards to Rule 38.9.20, there is currently no rule in Table 38.1 that specifically provides for outdoor dining associated with restaurant activity undertaken in a different, adjacent zone⁹. The rule as notified is therefore more enabling of this activity than the status quo.
- 3.7** QWL also submitted on Rule 38.10.13, seeking the amendment of the maximum distance the outdoor dining could extend into the Civic Spaces or Information Recreation zones from 5m to 20m, in order to better recognise the urban location and enable community enjoyment of the land.
- 3.8** Regarding QWL's submission to extend the distance to 20m, this would enable, for example, restaurants adjoining Earnslaw Park to extend as far as the golden elm tree in the centre of the park. This has the potential to result in a significant intrusion into the public space of the reserve.
- 3.9** I acknowledge KIL's point that 5m is potentially an arbitrary number, but it follows that any number, including QWL's suggested 20m, would also be arbitrary. A smaller distance will be more appropriate in giving effect to the objectives and policies of the Open Space zones in recognising the importance of prioritising reserves for public recreation

8 In particular Policies 38.2.1.5 and 38.2.3.2.

9 [Section 32 evaluation](#), paragraph 7.4. With regards to the existing activity status of outdoor dining, I note that PDP Rule 38.8.19 (Retail not otherwise provided for in Table 38.1) could also potentially apply, although would point out that the variation is still more enabling of this activity than PDP Rule 38.8.19 (being Discretionary in all zones except for the Nature Conservation Zone, in which it is Non-Complying) therefore the effect of the variation in providing for this activity remains.

rather than for commercial activities¹⁰. I also acknowledge that there are existing operations that extend beyond 5m, however I note that these tend to be located within land zoned Town Centre rather than land zoned Open Space, but where these are legally established they will continue to benefit from existing use rights or, if consented, be able to exercise their rights under their consent.

- 3.10** I consider there is some merit in the comments in KIL's submission on the activity status of non-complying for a breach of this standard. While such status does stress the importance of prioritising public use over commercial use, there may be instances where locating an outdoor dining area further away from the premises may have less adverse effects on the public use of the reserve than where compliance with the rule is achieved (for example, where it would maintain existing pedestrian accessways). As the effects that are sought to be managed in this instance are known, I consider that a more appropriate activity status for a breach of this standard is restricted discretionary, with the matters of discretion being the effects on the amenity, safety and functioning of the reserve.
- 3.11** A restricted discretionary activity status with identified matters of discretion provides greater certainty for plan users and reduces consenting costs when compared with an application for a non-complying activity. It is also more in line with the Council's Table and Chairs Policy 2006, which leaves the depth of outdoor dining to the discretion of Council¹¹.
- 3.12** The recommended amendments are set out in **Appendix 1**. I consider scope for such change to be available through KIL's submission.
- 3.13** For the reasons set out above, I recommend that QWL's submission to accept Rule 38.9.20 as notified be accepted and KIL's submission to delete it be rejected. I recommend that QWL's submission point on Rule 38.10.13 be rejected, and KIL's submission to be accepted in part.

10 Including PDP Objectives 38.2.1 and 38.2.3, and PDP Policies 38.2.1.1 and 38.2.3.2.
11 [Table and Chairs Policy 2006](#), Page 17.

4. MATTERS OF CONTROL AND DISCRETION

- 4.1** QWL seeks to delete the additional matters of control and discretion for activities adjacent to the Town Centre Zones or those that are located within 70 metres of the QTWSZ. It submits that the additional matters are overly onerous and will result in greater costs, uncertainty and delays.
- 4.2** The public spaces affected by the variation as notified are spaces heavily used by both residents and visitors in town centre locations. Those spaces adjacent to the waterfront in Queenstown are also under pressure from commercial recreation uses that utilise the water surface of the bay and its associated infrastructure. It is appropriate that activities in these spaces be subject to control over design that reflects both the highly urban location and the proximity to the water¹².
- 4.3** I would point out that the relief sought by QWL to delete the matters of discretion for Rule 38.14.5 (the new rule for commercial outdoor dining) would result in a restricted discretionary activity not having any listed matters of discretion. This is neither functional nor practical.
- 4.4** I recommend that the submission to delete the additional matters of control and discretion be rejected.

5. NEW PROVISIONS SOUGHT IN SUBMISSIONS

- 5.1** Wayfare Group Limited (**3343**) seek to insert additional matters of discretion into the activities in Table 38.5 to ensure the positive effects of a proposal are considered. This relief sought is identical to the relief sought by a number of submitters on Chapter 38 and other chapters in Stage 2 of the PDP¹³.

¹² Policies 38.2.2.2 and 38.2.2.4

¹³ Including submissions by Wayfare Group Limited subsidiaries Real Journeys Limited (2466), Te Anau Developments (2494), and Go Orange Limited (2581).

5.2 The submission point is beyond the scope of the variation as it seeks to change rules in Table 38.5 that were not included in the notified variation and I recommend that it be struck out under section 41D of the RMA. For those rules that are within scope (being Rules 38.14.1, 38.14.2 and 38.14.5) I recommend that the submission be rejected for the same reasons as set out in the decision by the Independent Hearing Panel in Stage 2¹⁴ being that 'positive effects' is broad and indeterminable. If there are specific potentially positive matters to be considered, these must be specified.

5.3 QWL seeks a new objective and policy within Chapter 38 as follows:

Objective 38.xx – Recognise the benefits of wharves, water-based activities and associated commercial activities in the Queenstown Town Centre as adding to the vibrancy and public enjoyment of the town centre.

Policy 38.XX – Enable use, maintenance and development of existing wharves for water-based activities including ferry services, commercial recreation, retail and food and beverage-based activities.

5.4 The submission did not identify whether these provisions were to apply district wide, or to a particular Open Space zone. The existing provisions in Chapter 38 do not specifically address wharves, however PDP Objective 38.2.4 and its associated policies manage the interface of the Open Space zones with waterbodies and their margins. This includes providing for public transport opportunities¹⁵ and commercial recreation experiences where these maintain landscape, amenity and nature conservation values¹⁶. The matters to be addressed by the new provisions as sought are therefore already addressed by existing provisions. I recommend that this submission be rejected.

5.5 QWL also seeks that activities (including commercial, commercial recreation, food and beverage activities, and buildings) associated with wharves and jetties in the Informal Recreation Zone adjoining the QTWSZ be Controlled Activities within Table 38.1, along with wharves

14 [Report 19.1– Introductory Report: Procedural and Statutory Matters](#), paragraphs 76-77

15 PDP Policy 38.2.4.1.

16 PDP Policy 38.2.4.3.

and jetties themselves. The submission did not include any matters of control for these activities which would render the rule dysfunctional.

5.6 Wharves and jetties are affected by the proposed amendments to Rule 38.9.36 and will have the activity status as set out in Chapter 12 (currently discretionary, although subject to appeal). The remaining activities are discretionary in the Informal Recreation Zone.

5.7 As discussed further below, my recommendation is that the land which is the subject of QWL's submission (**the QWL land**) be rezoned to Civic Spaces Zone. Commercial recreation activities, and commercial activities associated with them, are restricted discretionary activities in the Civic Spaces Zone. Given the high public use of these areas I do not consider a controlled activity status appropriate as there may be instances where an application should be refused (for example, if the cumulative effects of commercial activities on the public use and enjoyment of the reserve are adverse) and I therefore recommend that this submission be rejected. For the same reason, I recommend that the submission seeking additional policy support for commercial activities be rejected. I note that where the activity takes place within the QWTSZ (as will be the case for water-based activities and wharves and jetties) the objectives and policies in Chapter 12 will apply.

6. NOISE LIMITS IN THE OPEN SPACE ZONES

6.1 QWL seek amendments to the notified variations to Chapter 36 as summarised below:

- (a) To include reference to the Informal Recreation Zone as well as the Civic Spaces Zone in the exception to the existing noise rules for Open Space zones;
- (b) To include the QWTSZ as an adjoining zone to which the exception applies;
- (c) To increase the noise limits in Rule 36.5.2 to 70 dB L_{Aeq} (15 min) (daytime) and 60 dB L_{Aeq} (15 min) (night-time); and
- (d) To increase the noise limits in Rule 36.5.3 to 80 dBA L_{Aeq} (15 min) (daytime) and 70 dB L_{Aeq} (15 min) (night-time).

- 6.2** With regards to (a) and (b) above, the intention of the submission appears to be to include the QWL land within the notified exception to the Open Space noise limits.
- 6.3** Given the existing use of this land for activities associated with the Queenstown Town Centre zoning in the adjacent Steamer Wharf entertainment complex (including outdoor dining), I consider that it is appropriate to exclude this land from the lower limits of the Open Space zones. As discussed in Section 9 below, my recommendation is to rezone the QWL land to Civic Spaces Zone, which will result in the notified new noise limits for Civic Spaces zoned land applying to this land. I recommend that the submission to amend the noise provisions be rejected, however would note that the intent of the submission to apply an increased noise limit on the QWL land is achieved through the rezoning to Civic Spaces Zone.
- 6.4** If the rezoning request were to be rejected, I would recommend that the noise rules be amended to include the QWL land within the increased noise limits. However, I note that the drafting as proposed in the submission would extend this exemption to more than just the QWL land, by applying it to any Informal Recreation zoned land adjacent to any of the Town Centre Zones (being land not included in the geographic scope of the variation).
- 6.5** With regards to 6.1(c) above, I consider the proposed amendment to be outside the scope of the variation as it seeks to amend the noise limit that applies to land not included in the geographic scope of the variation, noting that Rule 36.5.2 applies not only to the Open Space zones but also to all residential zones, as well as a number of special zones and rural zones.
- 6.6** In the event that the proposed amendments are within the scope of the variation (in terms of Open Space zones), the submission seeks to increase the noise limits by 20 dB L_{Aeq} (15 mins). This is a significant increase which would apply across all of the zones listed above and will not give effect to the provisions of those various chapters relating

to rural or residential amenity¹⁷. The submission does not include any evidence as to the appropriateness of such a limit in either the Open Space zones or the other zones it applies to (as noted above, not in scope). Given the rigorous process that the Chapter 36 noise provisions have undergone (and continue to undergo through the resolution of appeals) through Stage 1 of the PDP, it is my opinion that the existing limits are more appropriate. The potential environmental costs from increased noise effects on amenity outweigh any potential benefits that may arise from reduced consenting requirements for noisy activities. I recommend that the submission be rejected.

6.7 With regards to 6.1(d) above, for the same reasons as set out above I recommend that the submission also be rejected. The noise limits for the exceptions to Civic Space zones adjoining town centres as notified align with the noise limits in the town centre, and it would not be appropriate to permit a significantly greater noise level in the Open Space zones than in the adjoining the town centre zones, where noisier activities are anticipated¹⁸. For temporary events that may require a greater noise level than the zone standard permits, PDP Rule 35.4.3 in Chapter 35 (Temporary Activities and Relocated Buildings) provides an exemption.

6.8 Fire and Emergency New Zealand (**31023**) seeks that Rule 36.5.2 be amended to provide an exception for emergency services and emergency warning sirens. PDP Rules 36.4.2 and 36.4.3 already provide for warning devices for emergency or for safety purposes and sound arising from fire stations and appliances as permitted activities. I recommend that the submission be rejected,

7. ACTIVE TRANSPORT

7.1 Active Transport Wanaka (**31007**) seeks that car parking be replaced by active transport infrastructure. The variation to the Chapter 29 provisions as notified exclude activities in the Open Space zones adjacent to the Town Centres or within 70m of the QTWSZ from the

17 Including, for example, PDP Objectives 7.2.1, 8.2.3, 9.2.3, and 10.2.1 and PDP Policies 38.2.2.1, 38.2.2.6 and 38.2.3.2.

18 Objectives 12.2.1 and 12.2.3, and Policies 12.2.1.3, 12.2.1.4 and 12.2.3.2.

requirement to provide carparking. A reduction in the supply of carparking in these areas, along with public amenities (including bicycle stands) and trails being a permitted activity in all Open Space zones, is supportive of alternative means of transport (including active transport).

7.2 I therefore recommend that the submission be rejected but note that the variation supports the intent of the submission.

8. REZONING REQUEST

8.1 Part B of Mr Barr’s Strategic Evidence sets out the principles for rezoning. I have taken these principles into account when considering the rezoning request below, as well as the relevant RMA tests as set out in *Colonial Vineyard Limited v Marlborough District Council*¹⁹ and included in Appendix 2 to Mr Barr’s evidence.

| Submission and property information | |
|--|--|
| Submission number and name | 3319 - Queenstown Wharves (GP) Limited |
| Stage 1 PDP mapping annotation | QTWSZ (a sub zone) |
| Stage 2 PDP Zone | Informal Recreation Zone |
| Zone requested | Retain QTWSZ and delete Informal Recreation Zone Alternative: a more enabling Open Space Zone, such as Civic Spaces or Community Purposes |
| Area of rezone request | The land from which the St Omer and O’Regan’s wharves extend |
| Legal Description | Section 2 Block XVII Town of Queenstown (1.467ha) |

19 [2014] EnvC 55.

| | |
|--|---|
| | Part Section 74 Block XX Shotover Survey District (15.1983ha) |
| Total area of property | Area within scope of variation is approximately 0.39ha |
| QLDC Property ID | 2910642100 |
| QLDC Hazard Register | Flood due to Rainfall Liquefaction Risk – LIC 2 (Possibly Moderate Risk) |
| Supporting information provided by applicant | NA |

Aerial photograph of the site



Figure 1: Showing the extent of the Informal Recreation Zone (red outline) over land adjacent to St Omer and O'Regan's Wharves within scope of variation.

8.2 The land in question is a relatively narrow strip of land (approximately 26 metres at its widest point) located between Beach Street and Queenstown Bay to the north and south, and the Steamer Wharf complex and the intersection with Brunswick Street to the east and west respectively. The land is managed by the Council and is gazetted as a reserve for recreation purposes. The uses currently undertaken include:

- (a) A landscaped open space area with hard and soft landscaping adjacent to Beach Street;
- (b) Outdoor dining associated with commercial activity in the Steamer Wharf complex;
- (c) Two wharves, one perpendicular to the shore and one parallel with a boat ramp between them; and
- (d) An existing building on St Omer wharf, housing the Southern Discoveries Visitor Centre and an associated carparking area.

8.3 There are commercial recreation operators operating from the two wharves. The QWL submission states that the two wharves are owned by it.

8.4 The primarily relief sought, being the retention of the QTWSZ, is discussed below in Section 9. The request to delete the Informal Recreation Zone without a replacement zone cannot be supported.

8.5 The alternative rezoning relief sought is to rezone the land to a more enabling Open Space zone, such as the Civic Spaces or Community Purposes Zone. The purpose of the Civic Spaces Zone is identified in Chapter 38 as areas that contribute to the character of centres and urban areas and which provide for informal recreation, social interaction and community gatherings and events. The purpose of the Community Purposes Zone is identified as primarily accommodating open space that plays a significant community function (such as libraries, halls and recreation centres).

8.6 There are a number of non-RMA documents that discuss the use and management of the foreshore, including the RMP and the QTCM. The RMP identifies this area within “Zone 2” of the foreshore, being the land from the St Omer boat ramp through to the town pier. The objectives for this zone identified in the RMP are to promote passive recreation and events of benefit to the community, and to consider compatible, temporary commercial and community activities²⁰. The QTCM identifies this area for future activation of the lakefront and supports the

expansion of recreational and event opportunities in appropriate open spaces.

- 8.7** The objectives and policies for Zone 2 in the RMP are consistent with Civic Spaces PDP Objective 38.6.1 and its related policies, which recognise Civic Spaces as community focal points for civic events, functions and informal recreation.
- 8.8** Given the similar use of this land (including outdoor dining, wharves and jetties, and public open green space) to the land uses immediately adjoining the Steamer Wharf complex to the east, rezoning this area to the same zone (the Civic Space Zone) would enable consistent management of these areas in relation to the variation provisions relating to outdoor dining and noise. Rezoning this land to Civic Space Zone would prevent the need for an additional exception to the noise limits (a higher noise limit for the QWL land is supported as discussed above in Section 7) in Rules 36.5.2 and 36.5.3, making for simpler and more efficient rule-drafting.
- 8.9** The Civic Spaces Zone is in my view more appropriate than the Community Purpose Zone as the land is not practical for development for community facilities (which is the focus of the Community Purpose Zone) given its small size and waterfront location.
- 8.10** I recommend that the submission to reject the Informal Recreation Zone over the QWL land be accepted in part, by accepting the alternative relief sought to rezone to another Open Space zone. I recommend that the area outlined in red in **Figure 1** above be rezoned to the Civic Spaces Zone.
- 8.11** This submission has brought to attention an error in the notified mapping of the QTWSZ in this area. The intention of the mapping changes, as set out in S32, was to remove the QTWSZ from land zoned Open Space. However, as notified, the QTWSZ was removed from the land with the legal description Section 2 Block XVII Town of Queenstown, however the Stage 2 zoning of Informal Recreation Zone extends beyond this, to the shoreline. The extent of the zoning in Stage 2 is shown in **Figure 2** below.

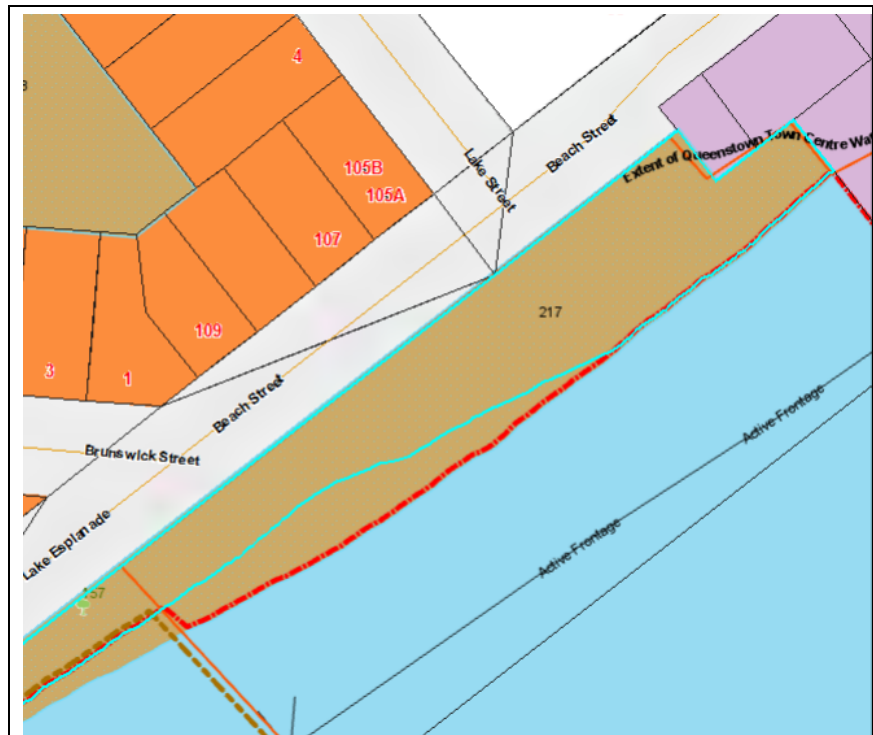


Figure 2: Showing the extent of the Informal Recreation Zone (coloured brown) in relation to the legal boundaries of Section 2 Block XVII Town of Queenstown (outlined in blue), which is also the extent of the QTWSZ as notified in Stage 3.

- 8.12** The result of the extent of the QTWSZ in this location as notified is that there will remain land zoned Open Space within the QTWSZ. The solution that would best align with the intention as set out in the S32 is to reduce the extent of the QTWSZ to the zone boundary. However, as there is no scope in the submissions received to reduce the QTWSZ to align it with the location of zone boundary²¹, the remaining option is for this overlap to remain for the time being until a variation can be undertaken to rectify the issue.
- 8.13** The outcome of this is that an area of approximately 800m² in area, and 10m wide at its widest point, will remain within both an Open Space zone and the QTWSZ. The land subject to the overlap is limited to either beach or St Omer wharf. In the event any activities are proposed in this area before a variation can be undertaken, given its location they will likely be activities caught by the notified additions to the rules in

²¹ The submission by QWL in relation to this land seeks to retain the QTWSZ boundary.

Table 38.1 and therefore avoid potential confusion over the applicability of the rules.

9. RETENTION OF THE QUEENSTOWN BAY WATERFRONT SUB ZONE

9.1 QWL and Wayfare Group Limited both seek to retain the QTWSZ over land adjacent to Queenstown Bay.

9.2 QWL seek this in conjunction with the deletion of the Stage 2 zoning of Informal Recreation Zone²². Alternatively, QWL seek rezoning of the area to either Civic Spaces or Community Purposes Zone. I support a rezoning to Civic Space Zone for the reasons discussed below at Section 9.

9.3 The relief sought to retain the QTWSZ over land zoned Open Space would retain the uncertainty of the application of the rules in Chapters 12 and 38 that the variation seeks to resolve. The lack of consistency between the policy directions of the Open Space chapter and the QTWSZ is likely to result in poor alignment with the underlying requirement of the Reserves Act 1997 to manage reserve land for public use and enjoyment. Neither submission offered an alternative resolution to this issue. The deletion of the Informal Recreation zoning would result in the land being unzoned, as QTWSZ is a subzone. I recommend that the submissions be rejected.

10. MINOR ERRORS

10.1 There are a number of small numbering and syntax errors in the variation. I consider these can be amended under Clause 16(2) of the RMA. These amendments have been made and identified as such in the provisions in Appendix 1.

10.1 In addition to the minor errors noted above, there has also been an error in the notified mapping of the Community Purposes Zone on the northern side of the Queenstown Gardens. The S32 set out the

22 This zoning was appealed by Remarkables Park Limited (ENV-2019-CHC-058) but this appeal point was subsequently withdrawn.

geographic extent of this rezoning to be limited to the boundary with the QTWSZ, but the notified mapping has extended beyond this, and included additional land around the western point of the gardens in the rezoning. This is shown in **Figure 3** below.



Figure 3: Showing the extent of the notified Community Purposes Zone (coloured green) at Queenstown Gardens.

- 10.2** There were no submissions on this land. I understand that the Council is in the process of initiating a withdrawal of this land under Clause 8D of Schedule 1, to rectify this error.

11. CONCLUSION

- 11.1** On the basis of the analysis set out in this report, I recommend that the changes to the variation provisions and mapping as set out in **Appendix 1** be accepted by the Hearing Panel, and that submission points are accepted or rejected by the Hearing Panel as set out in **Appendix 2**.

- 11.2** The changes will give better effect to the relevant national and regional planning framework than the notified version, take better account of the relevant statutory and non-statutory documents than the notified version, and are more appropriate than the notified provisions.



Christine Melissa Edgley

18 March 2020

APPENDIX 1

Recommended variation provisions

Open Space & Recreation Zone- Variations to Chapters

Variation to the Proposed District Plan

Underlined text for additions and ~~strike through~~ text for deletions Variation to Proposed District Plan

Red underlined text for additions and ~~red strike through~~ text for deletions as recommended in the S42A Report dated 18 March 2020.

Variation to Chapter 38 Open Space and Recreation Zones

38.9 Rules – Activities

Table 38.1: Activities Open Space and Recreation Zones

| Rule | Activities | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|---------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
| 38.9.16 | Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone including buildings. <u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | NC | C | C | C | C | C | C | NC |
| 38.9.17 | Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone including buildings. | NC | RD | RD | RD | RD | RD | RD | NC |

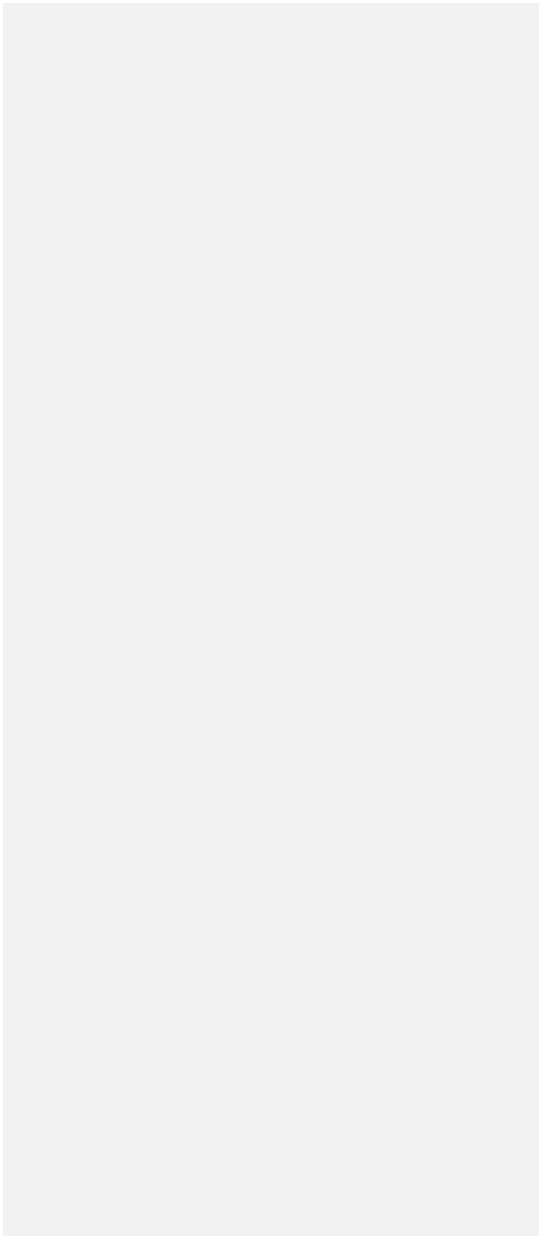
| Rule | Activities | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|----------------|--|--------------------------|--------------------------|--------------------------------|-------------------|-----------|------------|----------------------|------------------|
| | <u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | | | | | | | | |
| 38.9.20 | <u>Commercial outdoor dining on land that adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone (Rule 38.10.14) and is not provided for elsewhere in this table.</u> | <u>NA</u> | RD <u>NA</u> | <u>NA</u> | <u>RD</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> |
| 38.9.20 | Commercial Recreation Activities and buildings associated with Commercial Recreation Activities. <u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | D | D | D | RD | RD | RD | RD | NC |
| 38.9.21 | Commercial Activities and buildings associated with, and located on the same site as recreation activities. <u>This Rule does not apply to buildings that are located on jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These buildings are subject to Rule 12.4.8.2.</u> | D | D | D | RD | RD | RD | RD | NC |
| 38.9.36 | Boat Ramps, Jetties and Marinas. | D | D | D | D | D | D | D | NC |

Commented [CE2]: 3319 (QWL): Consequential as a result of rezoning

Commented [CE1]: Clause 16

| Rule | Activities | Nature Conservation Zone | Informal Recreation Zone | Active Sports/ Recreation Zone | Civic Spaces Zone | CPZ | CPZ (Golf) | CPZ (Camping Ground) | CPZ (Cemeteries) |
|------|---|--------------------------|--------------------------|--------------------------------|-------------------|-----|------------|----------------------|------------------|
| | <u>This Rule does not apply to jetties that extend into the Queenstown Bay Waterfront Sub-Zone. These jetties are subject to Rules 12.4.7.1 and 12.4.8.1.</u> | | | | | | | | |

And subsequent renumbering of existing rules in table 38.1 and cross referencing in other chapters.



38.10 Rules - Standards for Open Space and Recreation Zones

| Table 38.2: Standards for Activities in the Open Space and Recreation Zones | | Non- compliance Status |
|---|--|--|
| 38.10.13 | <p>Commercial outdoor dining located on the Civic Spaces Zone and Informal Recreation Zone that adjoin Active Frontage Area of the Queenstown Bay Waterfront Subzone</p> <p>Outdoor dining shall immediately adjoin the restaurant or café that it is associated with and shall not extend into the Civic Spaces Zone or Informal Recreation Zone by more than 5 m from the Queenstown Town Centre Zone boundary or beyond the side boundaries of the restaurant or café.</p> | <p>NC RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on the amenity of the reserve, b. Public access to, and use of the open space; and c. Cumulative effects.</p> |

Commented [CE3]: 3319 (QWL): Consequential as a result of rezoning

Commented [CE4]: 30016 (KIL)

38.13 Matters of control for Controlled Activities identified in Table 38.1

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

| Table 38.4: Matters of Control for Activities in the Open Space and Recreation Zones | |
|--|--|
| 38.13.1 | <p>Rule 38.9.16: Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground):</p> <p>a. Scale and intensity of the activity on recreation use and amenity values;</p> <p>b. Public access to, and use of the open space;</p> <p>c. Traffic generation, access and parking; and</p> <p>d. Infrastructure and servicing, including the provision of storage and loading/service areas; and</p> <p>e. <u>In the Civic Spaces Zone that adjoins the Arrowtown, Wanaka, and Queenstown Town Centre Zones, and in that part of the Community Purposes Zone within 70 m of the Queenstown Bay Waterfront Sub-Zone:</u></p> <p>i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u></p> <p>ii. <u>lighting;</u></p> <p>iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u></p> <p>iv. <u>natural hazards.</u></p> |

Commented [CE5]: Clause 16

38.14 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1

The Council will restrict its discretion over the following matters when assessing a restricted discretionary activity resource consent application.

| Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones | |
|---|---|
| 38.14.1 | <p>Rule 38.9.17: Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</p> <ul style="list-style-type: none"> a. Intensity and scale of the activity on recreation use and amenity values; b. Public access to, and use of, the open space; c. Location, in particular distance from adjoining properties; d. Traffic generation, access and parking; e. Noise; and f. Infrastructure and servicing, including the provision of storage and loading/service areas; <u>and</u> g. <u>In the Informal Recreation Zone that adjoins the Queenstown Bay Waterfront Subzone, and in the Civic Spaces Zone that adjoins the Arrowtown Town Centre Zone:</u> <ul style="list-style-type: none"> i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u> ii. <u>lighting;</u> iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u> iv. <u>natural hazards</u> |
| 38.14.2 | <p>Rules 38.9.20 and 38.9.21: Commercial recreation activity including commercial activities associated with and located on the same site as recreation activities, including buildings in the Civic Spaces Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</p> <ul style="list-style-type: none"> a. Intensity and scale of the activity on recreation use and amenity values; b. Public access to, and use of the open space; c. Other occupiers or users of the site or adjoining sites; d. Traffic generation, access and parking; <u>and</u> e. <u>In the Civic Spaces Zone that adjoins the Arrowtown, Wanaka, and Queenstown Town Centre Zones, and in those parts of the Informal Recreation and Community Purposes Zones that are within 70 m of the Queenstown Bay Waterfront Sub-Zone:</u> <ul style="list-style-type: none"> i. <u>external appearance of buildings, including materials and colours and associated landscaping;</u> ii. <u>lighting</u> iii. <u>the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; and</u> iv. <u>natural hazards</u> |

Commented [CE6]: 3319 (QWL): Consequential as a result of rezoning

Commented [CE7]: Clause 16

Commented [CE8]: Subsequent renumbering required (Clause 16)

| Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones | |
|---|--|
| 38.14.5 | <p>Rule 38.9.19b20: Commercial outdoor dining on the Civic Spaces Zone and Informal Recreation Zone, where the Zone adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone:</p> <ul style="list-style-type: none"> a. <u>the scale of the activity;</u> b. <u>effects on the amenity of the reserve, including pedestrian access to and through it</u> c. <u>lighting;</u> d. <u>effects on the safety of the reserve through designing the outdoor space in accordance with CPTED principles;</u> e. <u>noise issues;</u> f. <u>hours of operation; and</u> g. <u>cumulative effects.</u> |

Commented [CE9]: Clause 16

Commented [CE10]: 3319 (QWL): Consequential as a result of rezoning

VARIATION TO CHAPTER 36 – NOISE

| | | | | | |
|---------------|---|----------------------------------|-----------------------|----------------------------|-----------|
| 36.5.2 | ... Open space and Recreation Zone, <u>except the Civic Spaces Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones</u> | Any point within any site | 0800h to 2000h | 50dBAeq (15 min) | NC |
| | | | 2000h to 0800h | 40dBAeq (15 min) | NC |
| <u>36.5.3</u> | <u>Civic Spaces Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones</u> | <u>Any point within any site</u> | <u>0800h to 2200h</u> | <u>60 dB LAeq (15 min)</u> | <u>NC</u> |
| | | | <u>2200h to 0800h</u> | <u>50 dB LAeq (15 min)</u> | <u>NC</u> |

And subsequent renumbering of existing rules in section 36.5 and cross referencing in other chapters.

VARIATION TO CHAPTER 29 – TRANSPORT

29.8 Minimum Parking Requirements Minimum Parking Requirements

| | Table 29.4 | Resident/ Visitor | Staff/ Guest |
|--------|--|-------------------|--------------|
| 29.8.1 | <ul style="list-style-type: none"> • All activities in the: • Queenstown Town Centre Zone; • Wanaka Town Centre Zone; • Arrowtown Town Centre Zone; • Local Shopping Centre Zone; • Within the immediate environs of the Queenstown airport terminal facility located within the Airport Zone (Queenstown); • <u>Civic Spaces Zone, where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones</u> • <u>Parts of the Community Purposes and Informal Recreation Zones that are within 70 m of the Queenstown Bay Waterfront Sub-Zone.</u> | 0 | 0 |

APPENDIX 2

Summary of submissions and recommended decision

| Original Submission No | Submitter First Name | Submitter Last Name | Submitter Org | Submitter Behalf Of | Provision | Position | Submission Summary | Accept/Reject |
|------------------------|----------------------|---------------------|---------------------|---------------------------------|---|----------|---|---------------------|
| OS33262.1 | Christine | Byrch | | myself | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone | Oppose | That the commercial activities in 38.1 be made less lenient with particular regard to the Nature Conservation Zone and Informal Recreation Zone, Active Sports/Recreation Zone and Civic Spaces Zone. | Out of Scope/Reject |
| OS3319.1 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone | Support | That the intent of the proposed variation to provide greater clarity in how the rules operate and to better recognise the special characteristics of the Informal Recreation Zone where it adjoins the Queenstown Town Centre be retained. | Accept |
| OS3319.2 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone | Oppose | That the Informal Recreation Zone over the land from which the St Omer and O'Regans wharves extend be rejected, and the Queenstown Bay Waterfront Sub-Zone be retained; Or alternatively, that the same land be rezoned to a more enabling zone such as the Civic Spaces Zone or the Community Purposes Zone; or alternatively, if the land is not rezoned then amendments are made to Chapters 38, 36 and 29 as outlined in other submission points. | Accept in Part |
| OS3319.3 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.1-Activities | Oppose | That the proposed amendments to Rules 38.9.16, 38.9.17, 38.9.20, 38.9.21 and 38.9.36 (should draft consent orders for Topic 2, Sub-topic 8 be approved) be retained as notified; or alternatively, should the consent order not be approved, delete amendments and amend activity status in these rules to Controlled Activity. | Accept in Part |
| OS3319.4 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones | Oppose | That the following objectives and policies be added to Chapter 36 to provide for ferry services and associated commercial and commercial recreation (including retail food and beverage): Objective 38.xx Recognise the benefits of wharves, water-based activities and associated commercial activities in the Queenstown Town Centre as adding to the vibrancy and public enjoyment of the town centre. Policy 38.xx Enable use, maintenance and development of existing wharves for water-based activities including ferry services, commercial recreation, retail and food and beverage based activities. | Reject |
| OS3319.5 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zones > 2.8.1.1-Activities | Support | That proposed Rule 38.9.20 regarding commercial outdoor dining be retained as notified. | Accept |
| OS3319.6 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.1-Activities | Support | That the proposed variation to Rule 38.9.20 be retained that provides for more enabling rules for commercial outdoor dining in areas zoned Informal Recreation that adjoin Town Centre Zones. | Accept |
| OS3319.7 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.2-Standards for Open Space and Recreation Zones | Support | That the intent of Standard 38.10.13 providing for commercial outdoor dining in the Informal Recreation Zone that adjoins the Active Frontage Area of the Queenstown Bay Waterfront Sub-Zone be retained. | Accept |
| OS3319.8 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.2-Standards for Open Space and Recreation Zones | Oppose | That proposed rule - standard 38.10.13 be amended to read as follows: "... Outdoor dining shall immediately adjoin the restaurant or café that it is associated with and shall not extend into the Civic Spaces Zone or Informal Recreation Zone by more than 20m from the Queenstown Town Centre Zone boundary or beyond the side boundaries of the restaurant or café." | Reject |
| OS3319.9 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.1-Activities | Oppose | That the following activities be added to Table 38.1 as Controlled activities in the Informal Recreation Zone adjoining the Queenstown Bay Waterfront Sub-Zone: a. Commercial, commercial recreation and food and beverage activities associated with existing wharves and jetties; b. Buildings associated with existing wharves and jetties; c. Wharves, boat ramps and jetties. | Reject |
| OS3319.10 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.2-VARIATION TO CHAPTER 36 NOISE | Support | That the intent of the variation to Chapter 36 providing for greater noise standards for the Civic Spaces Zone where it adjoins the Queenstown Town Centre zones (Rules 36.5.2 and 36.5.3) be retained. | Accept |
| OS3319.11 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.2-VARIATION TO CHAPTER 36 NOISE | Oppose | That proposed Rule 36.5.2 be amended as follow: Open space and Recreation Zone, except the Civic Spaces Zone and the Informal Recreation Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones or the Queenstown Bay Waterfront Sub-Zone. | Reject |
| OS3319.12 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.2-VARIATION TO CHAPTER 36 NOISE | Oppose | That rule 36.5.3 be amended to read as follows: Civic Spaces Zone or Informal Recreation Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones or the Queenstown Bay Waterfront Sub-Zone. | Reject |
| OS3319.13 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.2-VARIATION TO CHAPTER 36 NOISE | Oppose | That the noise limit in rule 36.5.2 be amended to read as follows: Open space and Recreation Zone, except the Civic Spaces Zone and the Informal Recreation Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones or the Queenstown Bay Waterfront Sub- Zone. 0800h to 2000h 70dB Aeq (15min) 2000h to 0800h 60dB Aeq (15min). | Out of Scope/Reject |
| OS3319.14 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.2-VARIATION TO CHAPTER 36 NOISE | Oppose | That rule 36.5.3 be amended as follow: Civic Spaces Zone or the Informal Recreation Zone where it adjoins the Queenstown, Wanaka, or Arrowtown Town Centre Zones or the Queenstown Bay Waterfront Sub-Zone. 0800h to 2200h 80dB LAeq (15 min) 2200h to 0800h 70dB LAeq (15 min). | Reject |
| OS3319.15 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones | Oppose | That (proposed amendments to Tables 38.1, 38.4 and 38.5) the Council continues to rely on its powers and processes under the Reserves Act 1977 to manage the design and external appearance of buildings within the Informal Recreation Zone. | Reject |

| | | | | | | | | |
|-----------|------|---------|---------------------|---------------------------------|--|---------|---|---------------------|
| OS3319.16 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.3-38.13 Matters of control for Controlled Activities identified in Table 38.1 | Oppose | That the proposed additional matters of control (38.13.1 (e)) in the Informal Recreation Zone be rejected. | Reject |
| OS3319.17 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.4-38.14 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1 | Oppose | That the additional matters of discretion 38.14.1 (g) and 38.14.5 be rejected. | Reject |
| OS3319.18 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.3-VARIATION TO CHAPTER 29 TRANSPORT | Support | That the proposed amendments to Rule 29.8.1 be accepted as notified. | Accept |
| OS3319.19 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.3-38.13 Matters of control for Controlled Activities identified in Table 38.1 | Oppose | That Chapter 28 Natural Hazards adequately manage flood risks, but if this approach is not possible that natural hazards/flood risk management be included as a matter of control. | Reject |
| OS3319.20 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones > 2.8.1.4-38.14 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1 | Oppose | That Chapter 28 Natural Hazards adequately manage flood risks, but if this approach is not possible that natural hazards/flood risk management be included as a matter of discretion. | Reject |
| OS3319.21 | John | Young | Brookfields Lawyers | Queenstown Wharves (GP) Limited | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone | Oppose | That any consequential relief or alternative amendments to the provisions required to give effect to the matters raised in this submission be granted. | Reject |
| OS3343.14 | Ben | Farrell | | WAYFARE GROUP LIMITED | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones | Support | That the Queenstown Town Centre Waterfront Sub Zone and provisions are retained, to the extent that it is consistent with the relief sought in the Stage 1 and 2 appeals by Real Journeys Ltd and Te Anau Developments Ltd. | Reject |
| OS3343.15 | Ben | Farrell | | WAYFARE GROUP LIMITED | 2-Variation to the Proposed District Plan > 2.8-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 2.8.1-Variation to Chapter 38 Open Space and Recreation Zones | Oppose | That an additional matter of discretion for Restricted Discretionary Activities is inserted into Table 38.5, to ensure "positive effects" of the activity are considered. | Out of Scope/Reject |

| Original Submission No | Submitter First Name | Submitter Last Name | Submitter Org | Submitter Behalf Of | Provision | Position | Submission Summary | Accept/Reject |
|------------------------|----------------------|---------------------|-------------------------|--------------------------------|---|----------|--|----------------|
| OS31006.1 | Scott | Freeman | Southern Planning Group | Kopuwai Investments Limited | 3-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 3.1-Variation to Chapter 38 Open Space and Recreation Zones | Oppose | That Rule 38.9.20 be deleted from the variation to Chapter 38 (Open Space and Recreation Zone). | Reject |
| OS31006.2 | Scott | Freeman | Southern Planning Group | Kopuwai Investments Limited | 3-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 3.1-Variation to Chapter 38 Open Space and Recreation Zones | Oppose | That Rule 38.10.13 be deleted from the variation to Chapter 38 (Open Space and Recreation Zone). | Accept in Part |
| OS31006.3 | Scott | Freeman | Southern Planning Group | Kopuwai Investments Limited | 3-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 3.1-Variation to Chapter 38 Open Space and Recreation Zones | Oppose | That further or consequential or alternative amendments necessary to give effect to this submission be provided. | Reject |
| OS31007.2 | Simon | Telfer | Active Transport Wanaka | | 3-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 3.3-VARIATION TO CHAPTER 29 TRANSPORT | Support | That the Variation to Chapter 29 (Transport) which sets the minimum vehicle parking requirement at zero be retained as notified. | Accept |
| OS31007.3 | Simon | Telfer | Active Transport Wanaka | | 3-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 3.3-VARIATION TO CHAPTER 29 TRANSPORT | Oppose | That car parking be replaced by active transport infrastructure. | Reject |
| OS31009.3 | Chelsea | Wallace | Public Health South | Southern District Health Board | 3-Variations to Chapter 38,36,29 Open Space and Recreation Zone | Support | That the Variations to Chapters 38, 36 and 29 Open Space and Recreation be retained as notified. | Accept in Part |